

REMARKS/ARGUMENTS

The Office Action mailed August 4, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Applicants are grateful for the indication of allowability of claims 12-17 if re-written in independent form including all of the limitations of the base claim and any intervening claims. Claims 14 and 17 have been rewritten in independent form to include the limitations of independent claim 1 and the intervening claim. Claims 2 and 6 have been amended to depend from Claim 14. Claim 1 has been canceled, without prejudice or disclaimer of the subject matter contained therein.

The 35 U.S.C. § 103 Rejection

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wakefield (3050790) in view of Sandor (3544148) or Bourne et al (5620212) among which Claim 1 is an independent claim. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

Specifically, the Office Action states:

¹ M.P.E.P § 2143.
SV #182721

“Wakefield (3050790) shows a window for an aircraft that has three point glide and control device 5. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide Wakefield with a locking device in view of Sandor (3544148) element 44 or Bourne et al (5620212) element 23 since it would provide a convenient locking means that is on the handle. The orientation of the axis of 5 of Wakefield is deemed to be an obvious change especially in view of Sandor.”

Applicants respectfully disagrees. Independent Claim 1 has been cancelled without prejudice. As such, this rejection is now moot. Claims 14 and 17 have been rewritten in independent form to include the limitations of independent claim 1 and the intervening claim.

Dependent Claims 2-16 depend from independent Claim 14 and the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

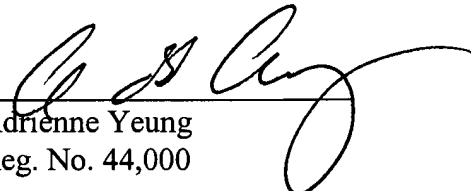
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, LLP

Dated: October 18, 2004

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